IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH

TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO.25090 OF 2001

BETWEEN:

Sri Sai Hospital & Office Furniture Manufacturers,

Rep. By its Sole Proprietor, Sri K.Chandrashekar,

S/o.Sri K.Subba Rayudu, aged about 39 years, Plot No.18, Phase-I,

Vanasthalipuram, Hyderabad-500 070.

… PETITIONER

AND

1. The Project Director, Andhra Pradesh Vydya Vidhana Parishad and

Andhra Pradesh Economic Restructuring Project (H.C),

Sultan Bazar, Hyderabad-500 095.

2. The Additional Project Director, Andhra Pradesh Economic

Restructuring Project (H.C), Sultan Bazar, Hyderabad-500 095.

3. The Director (Quality Assurance), Director General of

Supplies & Disposals, Government of India,

Kendriya Sadan, Ground Floor, Sultan Bazar, Hyderabad-500 001.

… RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents 1 and 2 in ignoring the lowest tender submitted by the petitioner without proper verification and without giving notice as illegal and contrary to the conditions No.8.1 and 21 of the Tender Notification and direct the respondents to forthwith grant the contract work order notified under IFB No.317/WB/APERP/A/2001, dated 22.6.2001.

Counsel for the petitioner : Mr.M.V.Durga Prasad

Counsel for respondents : Govt. Pleader for Medical & Health

The Court made the following:

ORDER:

The learned counsel appearing for the petitioner submits that the petitioner questions the action of the respondents in ignoring the lowest tender submitted by him without proper verification and without giving notice and contrary to conditions No.8.1 and 21 of the tender notification and sought for direction to forthwith grant the contract work. The learned counsel also submits that this Court on 7.12.2001 passed interim order to the effect that any finalisation of tender will be subject to further orders in W.P.M.P.No.31739 of 2001 and the said

tender was executed to some others by calling fresh tenders and, therefore, the question of awarding the said contract to the petitioner does not arise and, therefore, the cause of action has become infructuous. Accordingly, the learned counsel seeks permission for withdrawing the writ petition with liberty to the petitioner to pursue its rights to get back the earnest money deposit in accordance with rules.

The writ petition is, accordingly, dismissed as withdrawn with liberty to the petitioner to pursue the right before the authorities to take back the earnest money deposit as per rules. No order as to costs.

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(V.ESWARAIAH, J.)

30.3.2005

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To

1. The Project Director, Andhra Pradesh Vydya Vidhana Parishad and

Andhra Pradesh Economic Restructuring Project (H.C),

Sultan Bazar, Hyderabad-500 095.

2. The Additional Project Director, Andhra Pradesh Economic

Restructuring Project (H.C), Sultan Bazar, Hyderabad-500 095.

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4. 2 copies to the Govt. Pleader for Medical and Health, High Court Buildings, Hyderabad.

5. 2 C.D. copies